

REMARKS

Remarks About the Election and Written Statement as to Substance of Interview:

As noted in the Interview Summary (Form PTOL-413) attached to the outstanding Office Action as Paper No. 10797581, Applicants undersigned attorney and Examiner Epps conducted a telephonic interview on August 15, 2005. Applicants confirm the substance of that interview as set forth in the Interview Summary, namely that Applicants elected the claims of Group I (Claims 1-28 and 48-49). Applicants hereby further affirm that election by canceling without prejudice claims 29-47. Any questions about the election or amendment should be directed to the undersigned attorney.

Remarks About the Prior Art Rejections:

In the Office Action mailed August 29, 2005, the Examiner rejected independent claim 1 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,450,800 to Leonard, U.S. Patent No. 5,408,940 to Winchell and U.S. Patent No. 5,398,622 to Lubinskas. The Examiner also rejected independent claim 27 as being anticipated by Leonard, and independent claims 48 as being anticipated by U.S. Patent No. 4,365,561 to Tellier. Applicants respectfully submit that the cited references fail to disclose or suggest all of the recitation of the noted claims, and that the Examiner's rejections should therefore be withdrawn.

Claim 1:

Claim 1 recites a “worksurface *moveable a first distance between first and second positions*; [and] a monitor support coupled to said worksurface, . . . wherein said monitor support is *moveable a second distance between first and second monitor support positions* as said worksurface is moved said first distance between said first and second worksurface positions.” In addition, “at least one of said worksurface and said monitor support is *automatically moveable* in response to a movement of the other of said worksurface and said monitor support.” In this way, for example and

without limitation, by moving differential distances, the monitor support can be maintained substantially the same distance from the eyes of the user as the user tilts rearwardly in a chair and adjusts the position of the worksurface to accommodate the position of the hands of the user (Specification at 3, lines 12-17).

In stark contrast, the worksurface 32 of Leonard, as applied by the Examiner, forms part of the base 12, and is *not moveable in any way* (Col. 4, lines 37-43). Moreover, the pulleys 76 and 80 referenced by the Examiner (Office Action at 3) do not interface between the base 12 and worksurface 32, but rather interface between the base 12 and the frame assembly 14 to move the frame assembly 14 vertically (Col. 5, line 63 to Col. 6, line 27). Accordingly, Leonard fails to disclose all of the limitations of claim 1 on this basis alone.

Moreover, since the worksurface 32 is not moveable, Leonard also fails to disclose or suggest that the monitor support is *automatically moveable* relative to the worksurface (an impossibility), or vice versa. Accordingly, claim 1 distinguishes over Leonard for this additional reason. In summary, Leonard is directed to a moveable monitor support alone, not a system including a moveable worksurface and a moveable monitor support coupled thereto for *automatic* movement as recited in claim 1.

Winchell also fails to disclose or suggest the recitations of claim 1. At the outset, Applicants submit that “cross-member 26”¹ is not a “worksurface” as recited in claim 1, but rather functions as a cross-member positioned beneath the worksurface 21 (Col. 4, lines 41-59; Figs. 1 and 2). However, even if construed as a worksurface, cross-member 26 is *not moveable* in any way. Rather, the “cross-member 26 interconnects the columns 25a and 25b to provide an integral base 23” (Col. 4, lines 57-58). Accordingly, claim 1 distinguishes over Winchell on this basis alone.

¹ Applicants do not understand the Examiner’s reference to worksurface “20” in the Office Action at page 4, since reference number 20 in Winchell is directed to the overall work table, rather than any particular component. Accordingly, Applicants have interpreted the cross-member 26 as the only “worksurface” member referenced by the Examiner.

Moreover, as with Leonard, Winchell also fails to disclose that monitor support 54, as applied by the Examiner, is *automatically moveable* relative to movement of the component 26, another impossibility, or vice versa. Accordingly, claim 1 distinguishes Winchell for this additional reason.

Finally, Lubinskas also fails to disclose or suggest all of the limitations of claim 1. Again, at the outset, Applicants are confused as to the designation of various components by the Examiner. “Reference number 1, (FIGS. 1 & 2) generally designates an adjustable dual worksurface support” (Col. 2, lines 64-65). As such, the “worksurface 1” as applied by the Examiner (Office Action at 5) includes the “monitor support 2,” and is not separate therefrom or moveable relative thereto. In contrast, Applicants would agree that Lubinskas discloses two separate, moveable worksurfaces 2 and 3 that are interconnected by a linkage assembly 6 (Col. 2, line 66 to Col. 3, lines 10; Figs. 1 and 2). Importantly, however, Lubinskas discloses that the worksurfaces 2 and 3 are “independently adjusted” (Col. 1, lines 65-68), not “automatically moveable” relative to each other as recited in claim 1.

Indeed, Lubinskas discloses that “in operation, . . . the operator *first* . . . raises or lowers the computer equipment on terminal worksurface 2 to its desired height,” and “*next*, the operator adjusts the elevation of keyboard worksurface 3 by manipulating control button 119, then manually adjusting the vertical position of keyboard worksurface 3 to a convenient working height” (Col. 8, lines 31 to 49) (emphasis added). In this way, as expressly disclosed in Lubinskas, the worksurface 2 and worksurface 3 are *independently* adjusted, rather than automatically moveable relative to each other.

For all of these reasons, Applicants respectfully request that the Examiner’s rejections of claim 1 be withdrawn and that claim 1, and claims 2-26 depending therefrom, be passed to allowance.

Claim 27:

Claim 27 recites “a worksurface moveably supported by said base,” and

“a monitor support moveably supported by said worksurface.” As explained above with respect to claim 1, Leonard does not disclose or suggest that the worksurface 32, 34 is moveable in any way. Moreover, each of the individual pinion gears 62 of Leonard is not “disposed between and engage[d]” with first and second racks, as recited in claim 27. Rather, the pinion gears each engage a single gear rack 60 – there are four pinion gears 62 and four gear racks 60 with no pinion gear engaging more than one gear rack (Col. 5, lines 17-41; Fig. 2). With Applicants invention, by disposing the pinion gear between and engaging two racks mounted respectively to the base and monitor support, the monitor support moves a greater distance than the worksurface, which comprises the pinion gear (*see* Specification at 8, lines 1-27). Accordingly, claim 27 distinguishes over Leonard for this additional reason.

Claim 48:

Claim 48 recites “a worksurface connected to said monitor support, wherein said worksurface is rotatable *with said monitor support about said horizontal axis as said monitor support is translated between said first and second positions.*” In contrast, Tellier does not disclose or suggest that the worksurface 11 is rotatable with the monitor support 8 about a horizontal axis. Indeed, Tellier discloses that the height of the shelf 11 is not adjustable, and that the shelf 11 can rotate only about a *vertical axis*, not a horizontal one as recited in claim 48 (*see* Col. 4, lines 36-41; Figs. 2 and 5). Accordingly, claim 48 distinguishes over Tellier, and should be passed to allowance on the next Office Action.

New Claims:

Applicants have added new claims 50-54, which further distinguish over the cited references. Support for these claims is found throughout the specification, including the drawings. No change in inventorship is necessitated by the addition of claims 50-54.

Conclusion:


For all of the reasons set forth above, Applicants submit that all of the claims

are in condition for allowance and notice to that effect is earnestly solicited. If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully Submitted,

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